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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

JEFFREY BERK, et al.,

Plaintiffs,

vs.

COINBASE, INC.,

Defendant.

Case No.: 18-cv-01364-VC

JOINT ADR REPORT

Judge: Hon. Vince Chhabria
Cttrm: 4, 17th Floor

The parties jointly submit this Joint Report in response to the Court's July 29, 2020 General Order.

I. CASE STATUS

On August 6, 2019, this Court denied Defendant Coinbase's Motion to Compel Arbitration (Dkt. No. 75); Coinbase subsequently docketed an appeal from the Court's order on August 13, 2019. On August 21, 2019, the Court held a hearing at which it orally granted Coinbase's Motion to Stay Pending Appeal (Dkt. 78), other than as to discovery relating to "issues/material that would be used in arbitration proceedings" (Dkt. 82). On July 2, 2020, the Court ordered Coinbase to produce certain documents demanded by Plaintiffs. (Dkt. 93). Coinbase has indicated that it intends to commence the production of certain documents by the first week in September 2020. With regard to the current schedule in the Ninth Circuit Court of Appeals, Coinbase filed its opening appellate brief on May 18, 2020; Plaintiffs filed their answering brief on July 17, 2020; and Coinbase's reply brief is due on September 8, 2020. In the meantime, the parties are proceeding with limited discovery in the form of document production ordered by the Court on July 2, 2020 (Dkt. No. 93).

II. SETTLEMENT DISCUSSIONS

Throughout the fall of 2019 and early 2020, the parties engaged in extended settlement discussions, which included the exchange of information and production of documents by Coinbase. However, the discussions did not resolve the matter and, by late January 2020, the parties had agreed to proceed with the appeal. The parties do not believe that further settlement discussions would be productive given their divergent views on the strength of Plaintiffs' case. Accordingly, the parties have agreed to continue proceeding with the appeal and do not require the assistance of a magistrate judge or the Court's ADR services at this time.

III. CERTIFICATION

Counsel for Coinbase and counsel for Plaintiffs (as reflected in the signatures below) certify that they have shown the Court's July 29, 2020 Order to their respective clients.

//

DATED: August 26, 2020

KEKER, VAN NEST & PETERS, LLP

By: /s/ Steven P. Ragland

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DATED: August 26, 2020

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ATTESTATION

I hereby attest that I have obtained concurrence in the filing of this document from each of the other persons whose signatures are indicated by a conformed signature (/S/) within this document.

DATED: August 26, 2020

/s/Steven P. Ragland
Steven P. Ragland